

Aug 22 or 23  
Four Bar Land and Cattle Company  
Box 386  
Boulder, Utah 84716

Mr. Gerald W. Stoker  
Utah State Engineer  
Cedar City Area Office  
200 Parks Office Building  
154 North Main  
Cedar City, Utah 84720

Dear Mr. Stoker,

In accordance with Title 73 Chapter 4 Paragraph 1, Water Laws of Utah & Interstate Compacts and Treaties, the enclosed petition is submitted.

Also requested is an inspection of the Irrigation System in accordance with Title 73 Chapter 5 Paragraph 7.

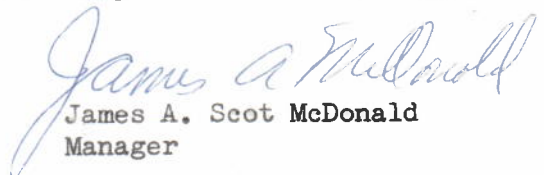
After my informal visit to you in late June regarding irregularities in the distribution of water in the Boulder Irrigation Company, I have made repeated efforts to encourage Mr. Leland Haws, President of the Irrigation Company, to attempt to solve our problems without recourse to your office. These attempts have failed.

I am corresponding now to request an informal visit by you and if possible the State Engineer to a meeting of the stockholders of the Boulder Irrigation Company.

By Certified Copy of this letter, Mr. Leland Haws, The President of the Boulder Irrigation Company is requested to call a special stockholders meeting at a time and place convenient to you and the State Engineer, preferably within the next three weeks to resolve the problems existing in the Irrigation System.

It is requested that Mr. Haws contact you immediately to arrange such a meeting time and then inform the Stockholders of the time and place of that meeting.

Thank you for your consideration.

  
James A. Scot McDonald  
Manager

Encl: 1. Petition for Investigation  
2. List of Items Considered Violations  
by Irrigation Company

Copy: 1. President, Boulder Irrigation Company (Registered)  
2. Stockholders, Boulder Irrigation Company (~~List Attached~~) *mc.*

## P E T I T I O N

In accordance with Title 73 Chapter 4 Paragraph 1 of the Water Laws of Utah & Interstate Compacts and Treaties, it is requested that an investigation of violation of the relative rights of the claimants to the Boulder Irrigation Company water System be conducted.

### BACKGROUND:

- (1) Possible violation of Title 73 Chapter 1 Paragraph 8 (DUTIES OF OWNERS OF DITCHES - SAFE CONDITION - BRIDGES) are occurring within the Boulder Irrigation Company System
- (2) Possible violation of Title 73 Chapter 5 Paragraph 3 (DIVISION AND DISTRIBUTION UNDER JUDGMENT) by Garkane Power Association exists within the Boulder Irrigation Company System;
- (3) Definite Violation of Title 73 Chapter 5 Paragraph 4 (HEADGATES AND MEASURING DEVICES) exists within the Boulder Irrigation Company System.

An investigation into the alleged violations is requested by the undersigned Stockholders and water users of the Boulder Irrigation Company System.

*Bern Hansen*

*Emma Jane Hansen*

*Franklin C. Hansen*

*Ivan Symon*

*Alfred J. Smith - Manager Bedding Ranch.*

*Max Behunin*

*John L. Treisenbach*

*Burns O. Ormond*

*Jimmy E. Peterson - Emmon Peterson Estate*

LIST OF ITEMS CONSIDERED VIOLATIONS:

VIOLATION: Title 73 Chapter 1 Paragraph 8 (73-1-8)

ITEM: The Management of the Boulder Irrigation Company neglected to maintain a primary water canal in proper condition to carry authorized amount of water without causing damage to private property.

Stipulation: That this inaction resulted in the damage to one large grain field on privately owned property (the Red Wing Ranch managed by Mr. Vard Coombs).

Stipulation: That High Water which was the rightful property of the stockholders of the Irrigation Company was wasted in that the canal concerned could carry no more than 12 second feet of water without flooding the Red Wing Ranch grain field; this resulted in the loss of at least 13 second feet of High Water which ran down the Boulder Creek. After repairs were made, some three days after the flooding, the canal was able to carry 25 second feet of water.

VIOLATION: Title 73 Chapter 5 Paragraph 3 (73-5-3)

ITEM: The Garkane Power Association and the management of the Boulder Irrigation Company have failed to distribute properly the water appropriated to the stockholders of the Irrigation Company.

Stipulation: That the Garkane Power Association was required to construct a catch pond to handle fluctuations in water used by the power company and have failed to control the fluctuations by improperly using the pond. Also that the Boulder Irrigation Company by neglect of its duties have failed to insure the proper release of water from the Garkane Power Association.

VIOLATION: Title 73 Chapter 5 Paragraph 4 (73-5-4)

ITEM: The management of the Boulder Irrigation Company has failed to insure proper distribution of water to the stockholders by neglecting to maintain measuring devices and headgates.

Stipulation: That measuring devices are improperly installed resulting in leakage around and under the weirs or inaccurate readings due to not being properly leveled; that flow meters in the sprinkler system are malfunctioning, (3 of 5 meters installed are inoperative) and several diversion points had either no headgate installed or that those were inoperative resulting in the inability to accurately distribute allotted water.

VIOLATION: Title 73 Chapter 1 Paragraph 15

ITEM: The management of the Boulder Irrigation Company is in technical violation of this title in that by inaction or mismanagement obstruction of proper distribution of water has occurred by failure to properly maintain the Irrigation System

Stipulation: That the President of the Boulder Irrigation Company has failed to carry out the duties of his office in that funds have not been authorized nor labor acquired to effect repairs to the system. That inaction by the management of the company has resulted in the obstruction of the rights of stockholders in technical violation of Obstruction of Right of Way. This offense is a misdemeanor.

May 12, 1972

*HCL*

MEMO FROM THE DESK OF:

*Gerald W. Stoker*

TO: Hubert C. Lambert

This is a problem that I knew was coming up but I encouraged the Irr. Co. to take care of the problem if they could. Apparently, they have been unable to arrive at any agreement over the various issues.

I assume that Mr. Leland Haws will be in contact with either you or I so that a meeting or hearing can be scheduled. If you would rather I contact them to set the date and time just let me know.

There isn't much that can be accomplished until we pull all of the fractions together.

*HCL: Please talk w/ Dalling on this Wed.*